

HOUSE No. 2686**The Commonwealth of Massachusetts**

PRESENTED BY:

Jennifer Benson*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to an excise on plastic carryout bags in supermarkets.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer Benson	37th Middlesex
Denise Provost	27th Middlesex
Barbara A. L'Italien	18th Essex
William N. Brownsberger	24th Middlesex
Robert P. Spellane	13th Worcester
Robert M. Koczera	11th Bristol
Pam Richardson	6th Middlesex
Patricia D. Jehlen	Second Middlesex
Tom Sannicandro	7th Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Alice K. Wolf	25th Middlesex
Katherine Clark	32nd Middlesex
Sean Garballey	23rd Middlesex
Jennifer M. Callahan	18th Worcester
Cheryl A. Coakley-Rivera	10th Hampden
Denise Provost	27th Middlesex
Cory Atkins	14th Middlesex
Lori Ehrlich	8th Essex
Matthew C. Patrick	3rd Barnstable

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AN EXCISE ON PLASTIC CARRYOUT BAGS IN SUPERMARKETS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

For the purposes of this chapter, the following words shall have the following meanings:-

“ASTM Standard”, the American Society for Testing and Materials (ASTM)’s International standard D6400 for compostable plastic, as that standard may be amended from time to time.

“Commissioner”, the commissioner of revenue.

“Compostable plastic carryout bag”, a plastic carryout bag which conforms to the current ASTM-Standard Specifications for compostability and is certified and labeled as meeting the ASTM-Standard by a recognized verification entity such as the Biodegradable Product Institute.

“Plastic carryout bag”, a plastic carryout bag provided by a supermarket to a customer at the point of sale for the purpose of carrying purchased items from the supermarket. Plastic carryout bag shall not include plastic bags in which loose produce is placed by the customer to deliver such items to the point of sale area of a supermarket.

“Reusable bag”, a bag with handles that is specifically designed and manufactured for multiple reuse and is either made of cloth or other machine washable fabric and/or made of durable plastic that is at least 2.25 mils thick.

“Supermarket”, a grocery store that grossed in excess of \$1,000,000 during the previous tax year.

Section 2. Every supermarket shall pay to the commissioner an excise equal to 5 cents per plastic carryout bag provided to customers during the tax year.

Section 3. No customer shall pay an excise on: (1) the customer’s own plastic or compostable plastic carryout bag that the customer brought into the supermarket and uses to carry purchased items from the supermarket; (2) paper bags; (3) any bag if the customer requests that plastic carryout bags not be used; (4) any compostable plastic carryout bag provided to the customer by a supermarket; or (5) any reusable bag the customer uses to carry purchased items out of the supermarket.

Section 4. All sums received from each supermarket pursuant to the excise imposed by this chapter shall be credited to the General Fund.

Section 5. The commissioner shall promulgate regulations to carry out this chapter.

SECTION 2. This act shall take effect on January 1, 2010.